

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

CITY OF BEAUFORT, et al.,	)	
	)	
Plaintiffs,	)	Civ. No. 2:18-cv-3326-RMG
	)	
v.	)	(Consolidated with 2:18-cv-3327-RMG)
	)	
NATIONAL MARINE FISHERIES	)	<b>REPLY IN SUPPORT OF DEFENDANTS'</b>
SERVICE, et al.,	)	<b>MOTION TO STAY THE DEADLINE FOR</b>
	)	<b>DEFENDANTS' RESPONSE TO MOTION</b>
Defendants.	)	<b>TO INTERVENE</b>
	)	
	)	

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In support of Federal Defendants' motion for a stay (ECF No. 60) and, as directed by this Court (ECF No. 62), in response to the State of South Carolina's argument in opposition of that motion (ECF No. 61), the Federal Defendants state as follows:

1. Congress has still not appropriated funds for the Department of Justice, Federal Defendants, or the Department of the Interior. Absent an appropriation, Department of Justice attorneys and employees of the Federal Defendants and the Department of the Interior are prohibited from working, even on a voluntary basis, except in very limited circumstances. 31 U.S.C. § 1342.

2. The Department of the Interior has confirmed that due to the lapse in appropriations, the Department of the Interior will not be acting on pending permit applications for the seismic survey activity at issue in this case until funding is restored. If circumstances change, Federal Defendants will notify the Court.

3. The State of South Carolina's request for a stay limited to fourteen days is insufficient because the duration of the lapse of appropriations remains uncertain. If the Court

grants this motion for a stay, Federal Defendants will notify the Court as soon as Congress has appropriated funds for the Department. Federal Defendants request that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

For the foregoing reasons, Federal Defendants request that this Court grant their motion for a stay of the Federal Defendants' deadline to respond to the State of South Carolina's Motion to Intervene.

Respectfully submitted this 15th day of January, 2019.

JEAN E. WILLIAMS,  
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SETH M. BARSKY, Chief  
MEREDITH L. FLAX, Assistant Chief

/s/ Jonelle M. Dilley  
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Attorneys for Federal Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2018, I electronically filed the foregoing Reply in Support of Defendants' Motion for a Stay of the Deadline for Defendants' Response to Motion to Intervene of the State of South Carolina in Light of Lapse of Appropriations with the Clerk of Court using the CM/ECF system, which will send electronic notification of such filing to all counsel of record.

/s/ Jonelle Dilley